

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TQ DELTA, LLC,

Plaintiff,

v.

2WIRE, INC.,

Defendant.

Civil Action No. 1:13-cv-01835-RGA

ORDER

For the reasons set forth in the accompanying Memorandum Opinion, **IT IS HEREBY**

ORDERED that:

1. Defendant's Motion for Summary Judgment of Non-Infringement of the Asserted Claims (D.I. 752) is **GRANTED-IN-PART** and **DENIED-IN-PART**. There is no genuine issue of material fact that Defendant's accused products do not directly infringe claim 19 of the '473 Patent.
2. Plaintiff's Motion for Summary Judgment of No Invalidity of Family 3 Patent Claims under 35 U.S.C. § 112 (D.I. 765) is **GRANTED-IN-PART, DENIED-IN-PART**, and unresolved as to indefiniteness. The Parties do not dispute that there is no genuine issue of material fact that Plaintiff's asserted patents are not invalid as not enabled under 35 U.S.C. § 112 ¶ 1.
3. Defendant's Motion for Summary Judgment of Invalidity of Family 3 Patents (D.I. 773) is **DENIED**.
4. Plaintiff's Motion for Summary Judgment of No Invalidity of Family 3 Patent Claims Under 35 U.S.C. § 103 (D.I. 777) is **GRANTED-IN-PART** and **DENIED-IN-PART**. There is no genuine issue of material fact that the asserted claims of the '048, '381, '882, and '473 Patents are not obvious under 35 U.S.C. § 103 over LB-031 in combination with Voith, Voith in Combination with G.993.1, Fadavi-Ardekani in combination with G.993.1, or Fadavi-Ardekani in combination with G.992.2.
5. Plaintiff's Motion for Summary Judgment of Infringement of Claim 19 of U.S. Patent No. 8,495,473 (D.I. 790) is **DENIED**.

6. Defendant's Motion to Strike the Untimely Supplemental Expert Reports of Jonathan Putnam Ph.D. and Reply Report of Dr. Kevin Almeroth (D.I. 737) is **DENIED**.
7. Defendant's Motion to Preclude the Expert Testimony of Dr. Todor Cooklev for Family 3 (D.I. 760) is **DENIED-IN-PART** and **DISMISSED-IN-PART** as premature.
8. Plaintiff's Motion to Preclude Certain Opinions of Dr. Krista S. Jacobsen For Family 3 Patents (D.I. 779) is **DISMISSED** as premature.
9. Defendant's Motion to Preclude the Testimony and Expert Report of Peter Heller Ph.D. on VDSL2 Chip Design (D.I. 785) is **DISMISSED** as premature.
10. Plaintiff's Motion in the Alternative, for Leave to Serve Attachment M to the Reply Report of Dr. Kevin Almeroth (D.I. 860) is **DISMISSED** as **MOOT**.

Entered this 25 day of April 2019.


United States District Judge